

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

CARNELL CONSTRUCTION CORPORATION	)	
	)	
Plaintiff/Counterclaim Defendant,	)	
	)	
v.	)	
	)	
DANVILLE REDEVELOPMENT & HOUSING AUTHORITY	)	Case No. 4:10CV00007
	)	
Defendant/Counterclaim Plaintiff	)	
	)	
v.	)	<b><u>AMENDED ORDER</u></b>
	)	
BLAINE SQUARE, LLC	)	
	)	
Defendant/Counterclaim Plaintiff	)	By: Jackson L. Kiser Senior United States District Judge
	)	
v.	)	
	)	
INTERNATIONAL FIDELITY INSURANCE COMPANY,	)	
	)	
Counterclaim Defendant.	)	

Before me is Defendant/Counterclaim Plaintiff Danville Redevelopment & Housing Authority's and Defendant/Counterclaim Plaintiff Blaine Square, LLC's Motions for Summary Judgment against Carnell Construction Corporation. The parties filed supporting and opposing briefs to the motions and I heard oral argument on January 4, 2011. The matter is now ripe for decision.

For the reasons stated in the accompanying Amended Memorandum Opinion filed contemporaneously herewith, I will partially **GRANT** Defendants' Motions for Summary Judgment. Because I find that Va. Code § 2.2-4309(A) applies to this case, Plaintiff's recovery under the Contract is, as a matter of law, limited in accordance with that section. I also find that

the Contract precludes Plaintiff's *quantum meruit* claim. In all other aspects, Defendant/Counterclaim Plaintiffs' Motions for Summary Judgment are **DENIED**.

The Clerk is directed to send a copy of this Amended Order and the accompanying Amended Memorandum Opinion to all counsel of record.

Entered this 27th day of January, 2011.

s/Jackson L. Kiser  
Senior United States District Judge